

When Safety Cannot Be Assured

Child and Family Services provides multiple services to ensure children are safely maintained in their homes whenever possible or appropriate. There are times, however, when a child's safety can only be met outside of their home.

Reasons for Taking a Child Into State Custody

Removal of a child from the child's home affects protected, constitutional rights of the parent and has a dramatic, long-term impact on a child. Therefore, multiple factors are assessed prior to removing a child from their home. Once these factors have been assessed, one of the four reasons must be identified prior to taking a child into state care and custody:

- Exigent or emergency situation where the safety of the child is seriously jeopardized
- A warrant to remove a child is issued by Juvenile Court
- An order is issued by Juvenile Court after the parent has been given notice and provided an opportunity for a hearing
- Parent voluntarily consents to the removal of the child

What Happens Next?

Once a child is taken out of their home, Child and Family Services immediately finds temporary care for the child until the parent can safely provide care. Special consideration is given in finding a relative or other family representative to take temporary custody of the child. If neither the parent or family representative can provide for the child, a shelter hearing is held (within 72 hours of the removal) by Juvenile Court to make further decisions regarding custody. During the shelter hearing the Judge may:

- Return the child to the parent with or without further services
- Place the child in the custody of a relative or other caregiver
- Maintain custody of the child with Child and Family Services

If services are ordered, or if the parent's custodial rights are temporarily removed, services are immediately provided in an attempt to reunite children and families. Services may include counseling, assistance with daycare, skills building, advocacy, homemaker services and referral to other services.

Parent Rights and Responsibilities

Parents maintain several rights in this process, to include the right to a hearing, to be represented by an attorney, to identify a substitute caregiver, and the right to continue to be involved in any significant decisions regarding the health of their child. Parents may be required to provide for a portion of the costs of care while their child/children are in custody. The Court will order the parent to participate in these costs through the Office of Recovery Services.



QUICK FACTS

- 15% of child victims were placed in foster care for their safety
- Nearly than 1 out of every 4 cases involving drugs (23%) resulted in the removal of a child/children
- 15% of children received services in their own homes
- 97% of the children who received services in their own homes were still there a year later